

**PRISON/JAIL POPULATION COST ESTIMATE STATEMENT**  
 NINETY-THIRD SESSION  
 LEGISLATIVE ASSEMBLY 2018

**HOUSE BILL NO. 1110**

**AN ACT TO INCREASE THE PENALTY FOR CERTAIN SUBSEQUENT CONVICTIONS  
 OF HIRING FOR SEXUAL ACTIVITY OR PROMOTING PROSTITUTION.**

A prison/jail population cost estimate statement is required for HB 1110 because the bill creates an enhanced penalty, a Class 6 felony, for those convicted of hiring for sexual activity when there is a previous conviction for that crime or promoting prostitution.

Under SDCL 22-23-9, hiring for sexual activity is a Class 1 misdemeanor. In the previous ten years, there have been 122 conviction, which receive an average 45 day jail sentence. Approximately 4.32% of convictions have multiple convictions, meaning 5 of the 122 convictions would have received the enhanced penalty under HB 1110. South Dakota could expect an enhanced penalty under HB1110 once every 2 years.

The average Class 6 felony serves an average sentence of either 74 days in jail or 185.7 days in prison. Without the enhancement, a person convicted would already serve 45 days in jail. A subsequent conviction would serve an additional 29 days in jail, at a cost of \$89.73 per day. Alternatively, a person sentenced to prison serves an average prison sentence of 185.7 days at a cost of \$42.23 per day.

Approximately 54% of Class 6 felonies receive a prison sentence compared to a jail sentence. Based on the above facts the additional costs would be as follows:

	Prison		Jail	
	Convictions	Added Cost	Convictions	Added Costs
Year 1		\$0		\$0
Year 2	1	\$7,842		(\$4,038)
Year 3		\$0		\$0
Year 4		\$0	1	\$ 2,602
Year 5		\$0		\$0
Year 6	1	\$7,842		(\$4,038)
Year 7		\$0		\$0
Year 8		\$0	1	\$ 2,602
Year 9		\$0		\$0
Year 10	1	\$7,842		(\$4,038)

10-Year Prison Cost: \$23,526  
 10-Year Jail Savings: (\$6,909)

Approved: /s/ Jason Hancock Date: 1/25/2018  
 Director, Legislative Research Council